EPA Review of the Bay Delta Conservation Plan Draft EIS

EPA Involvement

- Scoping Comments in 2008 & 2009
- Cooperating Agency in 2008
- 404/NEPA MOU Integration Attempt in 2010
- Preliminary methods for CWA Jurisdiction 2010
- Purpose and Need comments in 2010
- Admin Draft EIS Comments in 2012 & 2013
- Draft EIS Comments August 2014

NEPA Rating Criteria

Environmental Impact of the Action

- Lack of Objections
- Environmental Concerns
- Environmental Objections
- Environmentally Unsatisfactory

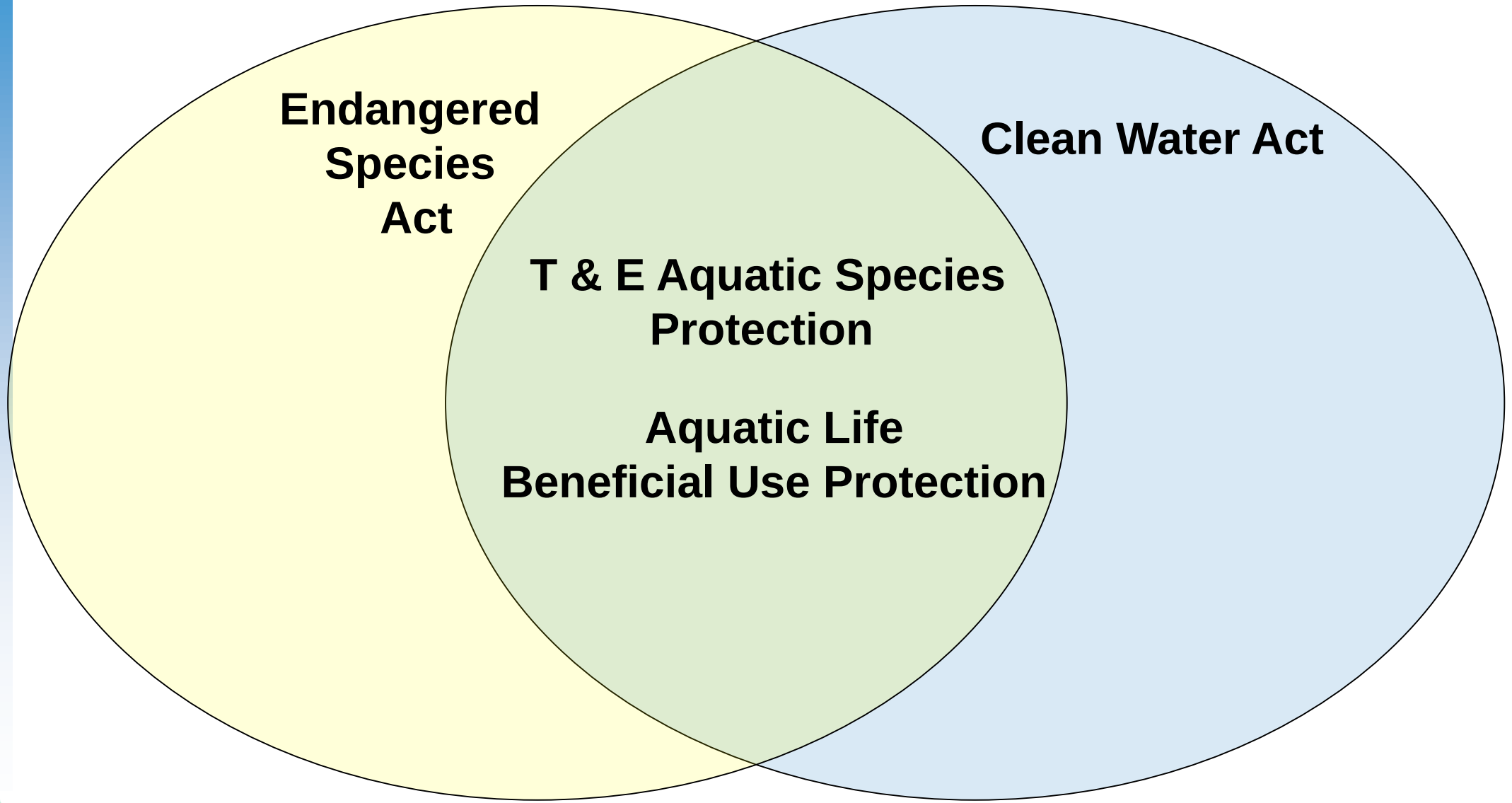
Adequacy of the Draft EIS

- I – Adequate
- II – Insufficient Information
- III – Inadequate

Environmental Impact Summary

- Water quality standards violations are predicted for all alternatives.
- Aquatic life beneficial uses are not protected by any of the alternatives.

Environmental Impact – CWA & ESA Overlap



Environmental Impact – Exceeding CWA Water Quality Standards

All alternatives are predicted to increase the number of days out of compliance with salinity water quality standards.

- A 12-16% increase in days out of compliance with the agricultural electrical conductivity standard at Emmaton.
- Increased water quality degradation and frequency of exceedance chloride objectives at Contra Costa Pumping Plant #1 and Antioch, interior and western Delta locations, and measureable water quality degradation relative to the 303(d) impairment in Suisun Marsh. (EIS page 8-428)

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Environmental Impact – Exceeding CWA Water Quality Standards

Clean Water Act Water Quality Standard – Electrical Conductivity at Emmaton Compliance Point

Alternative	% Increase in days out of compliance relative to Existing Conditions Baseline	% Increase in days out of compliance relative to No Action Alternative Baseline
1	28	17
2	14	13
3	28	17
4 H1	24	13
4 H2	26	15
4 H3	25	14
4 H4	27	16
5	24	13
6	29	18
7	15	4
8	17	6
9	17	6

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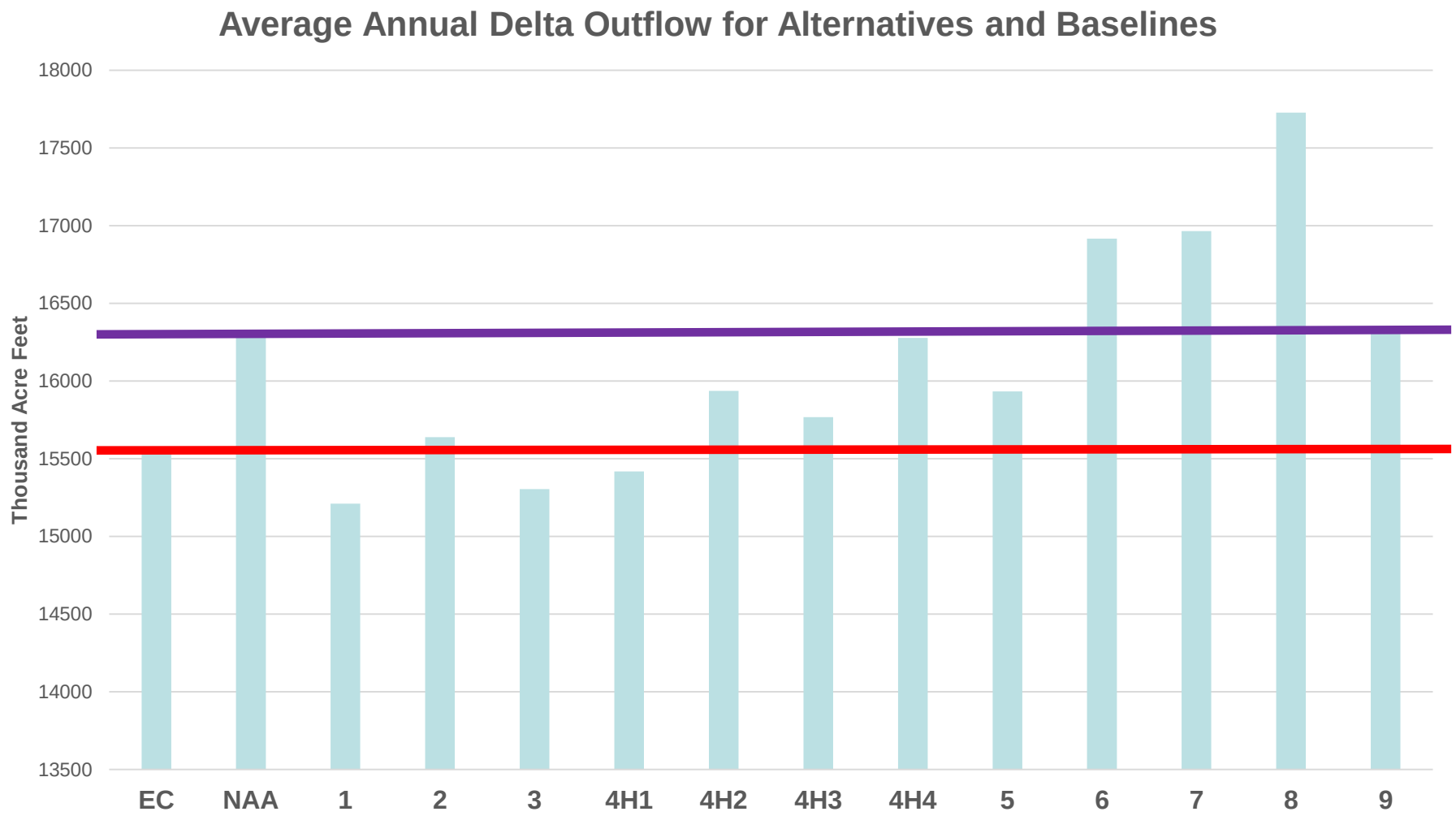
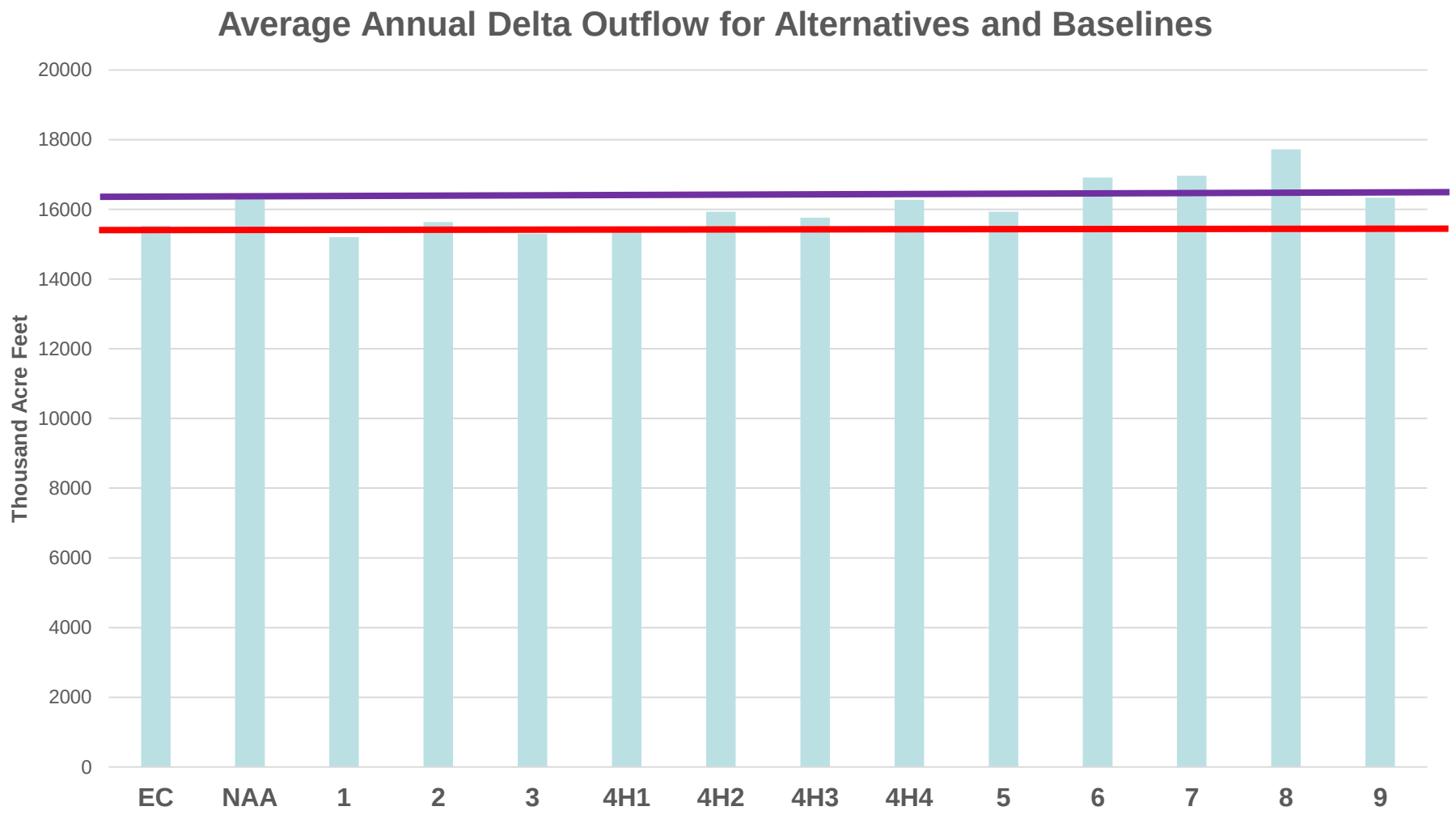
Environmental Impact – Exceeding CWA Water Quality Standards

- Meeting Water Quality Standards appears to rely on relaxing Water Quality Standards
- Mitigation for water quality impacts is uncertain
- Increased methylmercury formation and transport

Environmental Impact – Insufficient Aquatic Life Beneficial Use Protection



Environmental Impact – Insufficient Aquatic Life Beneficial Use Protection



No Action Alternative Average Delta Outflow

Existing Conditions Average Delta Outflow

Environmental Impact – Insufficient Aquatic Life Beneficial Use Protection

Migratory Fish Species	NEPA Effects Determinations for Migration Analysis for CM1 Alternatives								
	1	2	3	4	5	6	7	8	9
Winter-run	A	A	A	ND	ND	ND	ND	A	NA
Spring-run	A	A	ND	ND	ND	ND	ND	A	NA
Fall-run/LFR	A	A	A	ND	A	ND	ND	A	NA
Steelhead	A	A	ND	ND	ND	ND	ND	A	NA
Green Sturgeon	A	A	A	ND	ND	ND	A	A	NA
White Sturgeon	ND	ND	ND	ND	ND	ND	ND	A	NA

A = adverse impact, NA = not adverse impact, ND = not determined impact, B = beneficial

Inadequacy of the Document

- The project evaluated in the DEIS does not reflect current proposal
- The DEIS does not support project-level decision-making
- Scope of impact analysis is limited
- Efficacy of restoration overly optimistic
- The DEIS does not present the Alternatives in a clear, comparative manner
- Alternatives were not comparably analyzed
- Integrated Water Management Alternatives were not adequately evaluated

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Inadequacy of the Document

- Inconsistency among alternatives
- Conclusions often not supported by the data
- Methods undisclosed

Alternative	WR Entrainment NEPA Effects Determination	% Change Entrainment WR relative to NAA
1	B	- 60
2	B	- 68
3	B	-22
4 H3	NA	-52
5	NA	-9
6	B	Eliminated
7	NA	-82
8	NA	-82
9	B	No numeric estimate

A = adverse impact, NA = not adverse impact,
ND = not determined impact, B = Beneficial

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Issues to be Addressed in the Supplemental

- The proposed project should meet all water quality standards and support improvement in species protection
- Incorporate integrated water management elements into operational alternatives
- Support DEIS conclusions with technical analyses
- Evaluate the current project proposal in the supplemental EIS
- Extend scope of project area upstream and downstream